

FILED

OCT 18 2019

Clerk, U.S. District Court
District of Montana
Helena

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

BUTTE DIVISION

JAY McCLOSKEY AND AMY
LYNN (“LYNN”) McCLOSKEY,

Plaintiffs,

vs.

MONTANA TECH OF THE
UNIVERSITY OF MONTANA,
DONALD M. BLACKKETTER, and
BEVERLY HARTLINE, AND JOHN
& JANE DOES 1 through 5,

Defendants.

No. CV 18-46-BU-SEH

ORDER

Plaintiffs’ Complaint and Demand for Jury Trial was filed in the Montana Second Judicial District Court, Silver Bow County, on July 3, 2017.¹ Defendants removed on July 19, 2018, invoking this Court’s federal question jurisdiction under 28 U.S.C. § 1331.²

Fed. R. Civ. P. 12(h)(3) requires dismissal “[i]f the Court determines at any

¹ Doc. 6.

² See Doc. 1 at ¶¶ 3–5.

time that it lacks subject-matter jurisdiction.” Review of the record³ discloses substantial issues as presented as to whether federal question subject-matter jurisdiction has been well-pleaded.

ORDERED:

Each of the parties shall have to and including October 25, 2019, to file a brief directed to whether federal question subject matter jurisdiction has, by applicable law, been adequately well-pleaded to invoke this Court’s subject matter jurisdiction. Response briefs shall be due on or before November 1, 2019.

Optional reply briefs shall be due on or before November 8, 2019.

DATED this 18th day of October, 2019.


SAM E. HADDON
United States District Judge

³ See Docs. 1, 3, and 6.